

HOUSE BILL NO. 202

INTRODUCED BY B. DAVIES

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING STATE GOVERNMENT REGULATION OF THE POSSESSION OF FIREARMS ON THE JOB BY PUBLIC EMPLOYEES; AND PROVIDING IMMUNITY TO THE STATE GOVERNMENT."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Regulation of possession and use of firearms by state government employees -- government immunity. (1) An officer, department, board, or other agency or entity of state government may not regulate the possession of firearms during the scope and course of employment by a state government employee who has a concealed weapon permit, except to reasonably regulate the possession and use of firearms by the following employees as necessary to the performance of their duties:

- (a) highway patrol officers;
- (b) game wardens;
- (c) state prison employees;
- (d) probation and parole officers;
- (e) uniformed employees of the department of transportation;
- (f) staff and enrolled students of the Montana law enforcement academy;
- (g) a person inside a corrections facility;
- (h) a person inside a building owned or leased by the state;
- (i) department of justice investigators; and
- (j) members of the national guard.

(2) Except for gross negligence or intentional misconduct of the state, the state is not liable in tort to a person or entity for damages caused by the use of a firearm on property owned, possessed, or controlled by the state by a state employee or agent who is not required to carry a firearm as a part of regular duties in the scope and course of employment or agent status with the state or by a guest or invitee as a condition of being a guest or invitee of the state.

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2 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an
3 integral part of Title 45, chapter 8, part 3, and the provisions of Title 45 apply to [section 1].

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5 NEW SECTION. **Section 3. Two-thirds vote required.** Because [section 1(2)] limits governmental
6 liability, Article II, section 18, of the Montana constitution requires a vote of two-thirds of the members
7 of each house of the legislature for passage. If the required vote of two-thirds of the members of each
8 house is not obtained, [section 1(2)] is void.

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